

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Michael Antinuche,
Petitioner,
-against-

ORDER

05CV1246 (SLT)

Superintendent Anthony Zon,

Respondent.

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TOWNES, U.S.D.J.

On October 4, 2005, Petitioner Michael Antinuche moved this court to reconsider its memorandum and order of September 22, 2005 that denied Petitioner's motion for a stay of the proceedings for him to exhaust claims in state court. "A motion for reconsideration under Federal Rule of Civil Procedure 59 and Local Rule 6.3 must be grounded on matters that were put before the Court on the underlying motion but overlooked." *Gastelu v. Breslin*, 2005 U.S. Dist. LEXIS 20341 (E.D.N.Y. September 12, 2005). See *Range Road Music, Inc. v. Music Sales Corp.*, 90 F. Supp. 2d 390,391 (S.D.N.Y.). Having failed to show that the Court overlooked matters that were put before it on the underlying motion for a stay of the proceedings, Petitioner's motion is hereby DENIED.

SO ORDERED.

S/
SANDRA L. TOWNES
UNITED STATES DISTRICT JUDGE

Dated: Brooklyn, New York
October 28, 2005